



NEW YORK STATE ASSOCIATION OF P.B.A.s

Formerly known as Metropolitan Police Conference

Albany Office - 111 Washington Avenue, Room 406, Albany, NY 12210-2207 / 518-465-1141 / Fax 518-465-3048
Suffolk County Office - 868 Church St. Suite 1, Bohemia, NY 11716-5040 / 631-563-4200 / Fax 631-563-4204
Administrative Office - 23 Reynolds Road, Glen Cove, NY 11542 / 516-609-2732 / Fax 516-676-3956

Jeff Frayler
President
Suffolk County PBA

Gus Danese
1st Vice President
Port Authority PBA

William Diebold
2nd Vice President
Lynbrook PBA

Raymond Gimmler
Recording Secretary
MTA PBA

Gary Dela Raba
Corresponding Secretary
Nassau County PBA

Patrick Hall
Treasurer
Glen Cove PBA

Michael Axelrod
Attorney
East Meadow, NY

McEnerney, Brady & Co.
Certified Public Accountants
Yonkers, New York

Legislative Committee
Floyd Holloway, Director

Ken Long, Chairman
Nassau County PBA

Michael O'Meara
MTA PBA

Lou Matarazzo
NYC DEA/CEA

Ray Griffin
Suffolk County DAI

Chris Heimgartner
NYCLBA

Bill Holmes
Suffolk County PBA

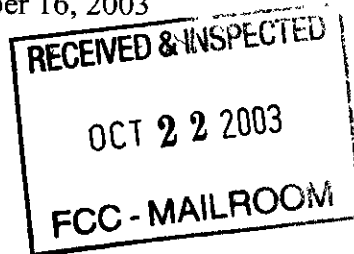
Tim Morris
Suffolk County SOA

Gordie Warnock
NYS Troopers PBA

Bing Markee
Port Authority PBA

ORIGINAL

October 16, 2003



Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Support for the Consensus Plan for 800 MHz Realignment
Ex Parte, WT Docket No. 02-55

Dear Ms. Dortch:

On behalf of the New York State Association of PBAs, an association representing more than fifty labor support organization comprising 40,000 law enforcement officers, we wish to advise you of our support regarding the above consensus plan.

First responders in New York State and across the nation are increasingly at risk because their public safety radio communications are vulnerable to interference from cellular phones. As cellular usage increases, the risk of garbled or blocked police, fire and other public safety communications increases. First responders also urgently need more 800 MHz spectrum to have "interoperable" communications among police and firefighters and among neighboring jurisdictions. Fortunately, a solution is available.

The Federal Communications Commission has before it a "Consensus Plan" that would address cellular/public safety radio interference problems and provide more of the spectrum that first responders urgently need for radio communications. We support the Consensus Plan along with the Association of Public-Safety Communications Officials-International, Inc.; the International Association of Fire Chiefs, Inc. and International Municipal Signal Association; the International Association of Chiefs of Police; the Major Cities Chiefs Association; the Major County Sheriffs' Association; and the National Sheriffs' Association. The FCC must adopt the Consensus Plan expeditiously in its public safety spectrum rule-making, WT Docket No. 02-55.

1477765

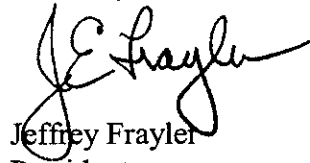
The Consensus Plan offers the only real, near-term solution to existing public safety radio problems. The Plan provides a comprehensive solution that addresses interference to public safety systems, allocates additional spectrum for public safety needs, provides private funding to compensate licensees that may need to relocate to new channels as the result of the Plan, and ensures that all affected licensees receive equivalent replacement spectrum as part of the spectrum swaps called for by the Consensus Plan

Other proposals that have been made to the FCC fall far short and must be rejected. The UTC/cellular "plan" ignores the problems faced by public safety communicators and suggests that case-by-case, after-the-fact solutions could be found once interference manifests itself. Responding only after-the-fact to the problems affecting time-critical public safety services is not acceptable, since a single interference incident can jeopardize the lives of emergency personnel and the citizens they serve.

Section 1 of the Communications Act of 1934, provides that the FCC is to "promot[e] safety of life and property through the use of wire and radio communication." The Consensus Plan would greatly advance this vital objective. It has been over sixteen months since the FCC began its public safety spectrum proceeding and over one year since the Consensus Plan was submitted. Supporters of the Consensus Plan have recently addressed the remaining implementation details associated with the Plan. There is no reason for the FCC to postpone action any further.

We urge the FCC to resolve the issues facing the public safety community expeditiously and adopt in full the terms of the Consensus Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Frayler", written over a printed name and title.

Jeffrey Frayler
President